

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHARLES B. SCOTT,	:	
	:	
Plaintiff,	:	C.A. No. 20-
	:	
v.	:	
	:	
UNITED STATES POSTAL SERVICE	:	
	:	
Defendant.	:	
	:	

NOTICE OF REMOVAL BY DEFENDANT UNITED STATES POSTAL SERVICE

Pursuant to 28 U.S.C. §§ 1442(a)(1), 1446(a), and 39 U.S.C. § 409(a), Defendant United States Postal Service, by and through its attorneys David C. Weiss, United States Attorney for the District of Delaware, and Derick D. Dailey, Assistant United States Attorney, respectfully files this Notice of Removal and in support of such removal states as follows:

1. On or about August 21, 2020, Plaintiff filed a Complaint with the Justice of the Peace Court of the State of Delaware in and for New Castle County, Court No. 13, against the United States Postal Service. *See* Exhibit A.¹ The Complaint alleges that Defendant failed to timely deliver mail and lost Plaintiff's mail. *Id.* at 3.
2. At all times relevant hereto, Defendant was an agency of the United States.
3. This Notice of Removal is proper under 28 U.S.C. § 1442(a)(1), which provides that a state civil action against a federal agency may be removed to the district court of the United States for the district embracing the place where the action is pending.

¹ Pursuant to 28 U.S.C. 1446(a), Exhibit A contains a copy of the process, pleadings and orders served upon the Defendant in the state court action, *Charles B. Scott v. United States Postal Service*, C.A. No. JP13-18-008249 (Del. J.P. Ct.)

4. Pursuant to 28 U.S.C. 1446(d), a copy of this Notice of Removal will be promptly filed in the Justice of the Peace Court of the State of Delaware in and for New Castle County and served upon Plaintiff Charles B. Scott, *pro se*.

WHEREFORE, respectfully, this civil action is removed from the Justice of the Peace Court of the State of Delaware in and for New Castle County to this Court.

Respectfully submitted,
DAVID C. WEISS

By: /s/ Derick D. Dailey
Derick D. Dailey
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Dated: September 25, 2020

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHARLES B. SCOTT,

Plaintiff(s),

v.

UNITED STATES POSTAL SERVICE,

Defendant(s).

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CERTIFICATE OF SERVICE

I, Kimberly Rechner, an employee with the United States Attorney's Office, hereby certify that on September 25, 2020, I caused to be electronically filed:

Government's Notice of Removal

with the Clerk of the Court using CM/ECF. Said document is available for viewing and downloading from CM/ECF. I further certify a correct copy of said document to be served via U.S. mail upon:

CHARLES B. SCOTT
119 CHESTNUT AVE, APT C-1
ELSMERE, DE 19805

/s/ Kimberly Rechner
Kimberly Rechner
Legal Assistant